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E.P.A. — D.L.P.C.
STATE OF ILLINOIS

WILL
Lement / Land & Lakes
19780303

APPEAL TO THE

ILLINOIS POLLUTION CONTROL BOARD

Div 02
EP# 6031
RECEIVED

MAR 26 1981

POLLUTION CONTROL BOARD

LAND AND LAKES COMPANY,)
)
Applicant-Appellant,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Agency-Appellee.)

PCB 81-48

RECEIVED
ENFORCEMENT DIVISION

MAR 30 1981

Environmental Protection Agency

NOTICE OF APPEAL

To: Illinois Environmental Protection Agency:

Please take notice that Land and Lakes Company (Land and Lakes) hereby appeals to the Illinois Pollution Control Board the Illinois Environmental Protection Agency's (Agency's) February 20, 1981, decision granting an Experimental Permit No. 1976-17-OP in lieu of the requested operating permit for the same solid waste disposal site.

Land and Lakes prays for a hearing and an order directing the Agency to issue the said operating permit.

By: John F. Ward, Jr.

JOHN F. WARD, JR., One of the
Attorneys for LAND AND LAKES COMPANY

O'KEEFE, ASHENDEN & LYONS
Attorneys for Land and Lakes Company
One First National Plaza
Chicago, Illinois 60603
(312) 621-0400

EPA Region 5 Records Ctr.



358260

PROOF OF SERVICE BY MAIL

I, the undersigned, a non-attorney, on oath state I served this Notice by sending a copy by certified mail to the Illinois Environmental Protection Agency at 2200 Churchill

vs.
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Agency-Appellee.

) PCB 81-78

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ENFORCEMENT DIVISION

FEB 20 1981

Environmental Protection Agency

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Attorneys for Land and Lakes Company
One First National Plaza
Chicago, Illinois 60603
(312) 621-0400

PROOF OF SERVICE BY MAIL

I, the undersigned, a non-attorney, on oath state
I served this Notice by sending a copy by certified mail to
the Illinois Environmental Protection Agency at 2200 Churchill
Road, Springfield, Illinois 62706, by depositing same in the
United States mail at One First National Plaza at 5:00 P.M. on
March 24, 1981, with proper postage prepaid.

Subscribed and Sworn to before
me March 24, 1981

Notary Public

Kathleen Davis

cc M. Burke
T. Casanova
12. 2. 1981

LAW OFFICES OF

O'KEEFE ASHENDEN & LYONS

ONE FIRST NATIONAL PLAZA SUITE 5100

CHICAGO, ILLINOIS 60603

(312) 621-0400

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OF COUNSEL

March 26, 1981

Illinois Pollution Control Board
Room 300
309 West Washington Street
Chicago, Illinois 60606

Petition for Hearing with regard to
IEPA Experimental No. 1976-17-OP

Gentlemen:

Land and Lakes Company hereby files its Notice of Appeal and Petition for Hearing on the Illinois Environmental Protection Agency's February 20, 1981, issuance of an experimental permit in lieu of the requested operating permit for Land and Lakes disposal site in Will County.

Pursuant to Illinois Pollution Control Board Procedural Rule 502(a)(2), we submit the following information:

1. Citation of the particular standards under which a permit is sought

Rule 202 - Operating Permits - (Chapter 7)
Solid Waste Rules and Regulations as adopted
by the Illinois Pollution Control Board.

2. A complete and precise description of the facility for which a permit is sought, including its location

An operating permit sought for a solid waste disposal site consisting of:

approximately 33 acres in that part of the Southeast Quarter of Section 23, Township 37 North, Range 10 East of the Third Principal

Illinois Pollution Control Board

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Meridian, DuPage Township, Will County, Illinois, beginning at the southeast corner of said Section thence westward 499 feet along the south line of said Section to the point of beginning, thence northward and parallel to the east line of said Section 706 feet, thence south 81 degrees 45 minutes west 631.08 feet, thence south 80 degrees 25 minutes west 925.52 feet, thence southerly and parallel to the east line of said Section 443 feet, more or less, thence eastwardly along the south line of said Section 1,540 feet, more or less, to the point of beginning, and that part of the Northeast Quarter of Section 26 lying northerly of the north line of the Public Service and Chicago, Illinois Western Railroad right-of-way commencing at the northeast corner of said Section, thence 499 feet westwardly along the north line of said Section to the point of beginning, thence southerly and parallel to the east line of said Section 230 feet, more or less, to the said north right-of-way line, thence southwesterly along said right-of-way line 1,000 feet, thence northwesterly at an angle of 65 degrees measured clockwise from the last prescribed course 862 feet, more or less, to a point on the north line of said Section, thence easterly along the north line of said Section 1,540 feet, more or less, to the point of beginning, all located within Township 37 North, Range 10 East of the Third Principal Meridian, Will County, Illinois,

to handle general refuse, excluding all special waste, sludges, chemical waste and liquid waste.

3. A complete description of containment emissions and of proposed methods for their control

Containment of the solid waste in the disposal

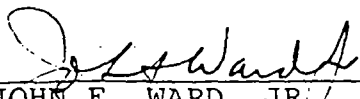
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site shall be controlled as described in Land and Lakes Company's Application for Permit, a copy of which is attached and hereby incorporated as part of Applicant-Appellant's Petition.

4. Such other materials as may be necessary to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the Regulations

Land and Lakes Company received a developmental permit for this site on May 13, 1976. The site has been developed in accordance with that permit. On December 17, 1980, the company filed its application for an operating permit (see attached application). No request was made for an experimental permit and no discussions ensued at any time with the Agency with regard to the issuance of an experimental permit in lieu of an operating permit. On February 20, 1981, the Agency issued its experimental permit for this site. No explanation was given by the Agency for its failure to issue an operating permit.

Accordingly, Land and Lakes requests that the Illinois Pollution Control Board set a date for a hearing on this matter and, further, that the Board order the Agency to issue an operating permit for said solid waste disposal site.



JOHN F. WARD, JR., One of the Attorneys
for LAND AND LAKES COMPANY

O'KEEFE, ASHENDEN & LYONS
Attorneys for LAND AND LAKES COMPANY
Suite 5100
One First National Plaza
Chicago, Illinois 60603
621-0400

APPLICATION FOR PERMIT

In order to clarify submittals made to the Land Permit Section, this document shall be utilized as page one of applications for Operating Permit and Supplemental Permit for site modification. This form is not to be used with applications for Development Permit and for Supplemental Permit to accept special waste (green-forms).

December 17, 1980
date

Illinois Environmental Protection Agency
Land Permit Section
Division of Land/Noise Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

Gentlemen:

This is an application for

☒

Operating Permit

☐

Supplemental Permit to modify development

☐

Supplemental Permit to modify operation

for

DuPage Township Land Reclamation Site
Site Name: (IEPA Permit No. 1976-17-DE)

Site Address: Joliet Road

Lemont, Illinois 60439

County: Will County

Signatures:

LAND AND LAKES COMPANY

Site Operator: By: James J. Cowhey
James J. Cowhey, PresidentOperator Address: 123 N. Northwest HighwayPark Ridge, Illinois 60068

WILLOW RANCH, INC. (An Illinois Corporation)

Site Owner: By: Robert F. Rich
Robert F. RichOwner Address: 25 North Ottawa StreetJoliet, Illinois 60431

CLARK ENGINEERING SERVICE

Engineer: By: Charles E. Clark
Charles E. Clark, P.E.P.E. Reg. No.: Illinois 62-0028006Address: 1317 Whittier AvenueSpringfield, Illinois 62704Phone No.: 217/528-9195

I hereby authorize Charles E. Clark, P.E., Clark Engineering
Service to execute all permit application documents to the
Land Permit Section, Division of Land/Noise Pollution Control on my
behalf as site owner.

Signature Robert F. Rich, Date 12/17/80
WILLOW RANCH, INC. By: Robert F. Rich

I hereby authorize Charles E. Clark, P.E., Clark Engineering
Service to execute all permit application documents to the
Land Permit Section, Division of Land/Noise Pollution Control on my
behalf as site operator.

Signature James J. Cowhey, Date 12/17/80
LAND AND LAKES COMPANY By: James J. Cowhey

Initial development of the site has been completed in the northeast corner of the area designated as Phase I in the original application. An area approximately 220 by 420 feet has been excavated and lined, with lateral liner extending upward approximately 30 feet along the north and east walls of the area. The lined portion represents a gross volume of approximately 75,000 yd³ to a depth of 28 feet, 2 feet below the top of the liner. The developed area is shown on the attached plan sheet, a part of this application. The cut-out area is under construction and should be completed shortly.

The aforementioned development consists specifically of the following items:

1. The groundwater cut-off drain has been completed as indicated on the plan sheet. An open ditch extends from the cut-off drain pipe on the north end to a culvert south of the property. An existing dry wash across the site has been deepened to carry off water from the western portion of the north side which has not been developed. The drain piping will be extended west and south as the developed area is extended.

2. No water bearing stratum has been observed above the cut-off drain, since the completion of the present section of drain, therefore, the vertical french drains referenced in special condition No. 1 of the DE permit have not been installed. This will be done if such a stratum is located during future development.

3. The developed area was excavated to bedrock inside the cut-off drain location and the required 5 foot clay liner was placed thereon. The lateral liner was placed in horizontal layers, and is consequently greater than 10 feet thick. As a result of the eroded cut and the location of the cut-off drain, the lateral liner presents a slope of near 1:1 from the bottom liner to its present height, but the angle is now decreasing, and further placement is too dangerous for equipment operators until refuse has been placed to an elevation near the present liner elevation. It is anticipated that the lateral liner will be raised in 10-15 foot increments as the fill progresses.

4. Monitor wells are located at the northeast, southeast and southwest corners of the site, and at an interior location, approximately north central. The latter well will be removed at a later date, since it is in the way of future development, and is not believed to be necessary, since it is located at the high point of the bedrock. Shallow and deep wells (2 each) are included at both south corners. The wells were sampled when they were drilled, and test results will be submitted with the results of a sample which is being analyzed for the required list of background parameters. This sample will be from well 9a in the southeast corner of the site (the low point of bedrock underlying the site). Results should be available and forwarded within 30 days.

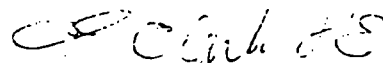
5. A portable chemical toilet will be placed near the gate house, and bottled water will be provided. A telephone is available at the gate house.

6. A locked gate and fencing adequate to prevent truck entrance is provided.

Inasmuch as the site operation is basically cut-and-cover, it is requested that the operating permit be issued for the site in total, to eliminate continuous future citations or disagreements regarding permitted operating area. It is stipulated and could be made a special condition that the required linings will be maintained a minimum of 50 feet ahead of, and 2 feet above any adjacent fill. The amount of lining and location then existent will be reported to the Agency bi-annually on January 1 and July 1, each year during the life of the site, with the first report due July 1, 1981. The report will consist of an updated copy of the attached plan sheet showing the lined area, together with applicable soil test reports and a professional engineer's certification of the installation.

Your consideration in this matter will be greatly appreciated.

Sincerely,



C. E. Clark, P.E.

Clark Engineering Service

For: Land and Lakes Company, Inc.
123 N. Northwest Highway
Park Ridge, IL. 60068

CEC:mat

Attachments: Soil Test Report
Plan Sheet